

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Len C. Kretchman et al  
For : "Sealed Crustless Sandwich"  
Serial No. : 90/005,949  
Filed : March 9, 2001  
Patent No. : 6,004,596  
Examiner : George C. Yeung  
Group Art Unit : 1761  
Our Docket No. : SMA-12271 RX

**DECLARATION OF STEVEN T. OAKLAND**


Steven T. Oakland, made the declarations dated March 5, 2001 and July 16, 2001 and February 28, 2002 relating to commercial aspects of the Uncrustables brand crustless sandwich sold by The J. M. Smucker Company (Smucker) and shown in Figures 3 and 4 of Kretchman 6,004,596. I confirm my knowledge of duties and responsibilities under 28 U.S.C. § 1001. I further declare.

1. The number of school districts purchasing the Smucker crustless sandwich sold under the Uncrustables brand is over 3000. This figure was conveyed to Mr. Purcell under my direction by March 1, 2002. Sales to such districts since January 1, 2001 are over 37 million sandwiches.
2. It is my understanding that the school district number and volume was used by Mr. Purcell in forming an opinion of substantial acceptance. I agree with this opinion.
3. Sales of over 50,000,000 crustless sandwiches was a number provided by Smucker to Mr. Purcell before March 1, 2002.

4. I agree with the opinion of Mr. Purcell that the sales of the crustless sandwiches by Smucker establishes commercial success of the sandwiches constructed as shown in Figures 3 and 4 of Kretchman 6,004,596.

Date:

3/21/02

  
STEVEN T. OAKLAND